



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO  
Attorney General

212-416-6295

LESLIE G. LEACH  
Executive Deputy Attorney General  
Division of State Counsel

JUNE DUFFY  
Assistant Attorney General in Charge  
Litigation Bureau

**MEMO ENCLOSED**

December 20, 2007

BY FACSIMILE

Hon. Charles L. Bricant  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

Re: Tomello v. Sanders, 07 Civ. 4064 (SCD)

Dear Judge Bricant:

I represent the defendant in the above-referenced matter. On consent, the parties respectfully request that the date by which the parties must complete depositions in this case be extended from January 15, 2008 to February 15, 2008, which is the close of discovery.

Although I served defendant's first set of interrogatories and request for production of documents on plaintiff's counsel by December 1, 2007, in accordance with the discovery plan and scheduling order in this case, the office of plaintiff's counsel has informed me that they will not be submitting their responses until the third week of January. Without a response to defendant's interrogatories and document requests, defendant cannot conduct any depositions or expert discovery. In addition, upon receipt of plaintiff's executed medical releases, this office will need time in order to obtain plaintiff's medical records and have them reviewed by defendant's expert.

Wherefore, it is respectfully requested that the discovery plan and scheduling order in this case be modified in order to extend the completion of depositions to February 15, 2008. We will notify the Court if additional time is necessary in order to complete discovery in this case.

Respectfully submitted,

Maria Barous Hartofilis

Assistant Attorney General

cc: Jonathan Lovett, Esq.  
Counsel for Plaintiff - By Facsimile